

PREFERENTIAL PAYMENTS IN BANKRUPTCY (IRELAND)
ACT, 1889.

COPY of Order in Council, dated 28th January 1891, making Rules under the
the above Act.

(Presented pursuant to Act of Parliament.)

THE PREFERENTIAL PAYMENTS IN BANKRUPTCY (IRELAND)
ACT, 1889.

By the Lord Lieutenant and Privy Council in Ireland.

ZETLAND.

WHEREAS by the "Preferential Payments in Bankruptcy (Ireland) Act, 1889," it is enacted that the Lord Lieutenant of Ireland, as regards the Local Courts of Bankruptcy, by Order in Council, may at any time after the passing of the said Act, and from time to time, make orders in respect of the matters and for the purposes in said Act mentioned, and may from time to time alter or revoke such orders:

And whereas it is expedient to make orders in respect of Preferential Payments in Bankruptcy in said Act:

Now We, the Lord Lieutenant General and General Governor of Ireland, by and with the advice of Her Majesty's Privy Council in Ireland, and under and by virtue of the said "Preferential Payments in Bankruptcy (Ireland) Act, 1889," and the powers therein contained, and of every other power thereunto enabling Us, do hereby, by this Our Order, prescribe, define, and direct as follows:—

1. Every person to whom a Preferential Payment is due, and desiring to be paid, shall make application therefor to the Official Assignee on the prescribed form in the Schedule hereto.

2. The Official Assignee shall forthwith bring the said application before the Judge or Local Registrar.

3. Every bankrupt or arranging debtor shall set out in the statement of affairs a true list of all persons to whom any Preferential Payment is due, the amount thereof, the period for which and for what the same is due.

4. If any person fails to send in a claim for a Preferential Payment when required by the Official Assignee so to do, or to prove the same if so required, the Court may, on being satisfied that such person had notice, proceed to distribute the assets, or to direct payment of the composition agreed upon, without regard to any claim which such person may have, provided that the Court may, if it think fit, direct that money to pay the amount of such claim shall be retained to abide the further Order of the Court.

5. The Official Assignee, if required by any servant, labourer, or workman, shall fill up the prescribed claim for the wages due to such servant, labourer, or workman.

6. No Preferential Payment shall be made by the Official Assignee without an Order of the Judge or Local Registrar.

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7. An Order for Preferential Payment may be made by the Judge or Local Registrar at any time, and upon any evidence that the Judge or Registrar shall think sufficient, provided that the Judge or Local Registrar, if satisfied that the amount is due, may dispense with any evidence.

8. Until a statement of affairs is filed no Preferential Payment shall be ordered, except in the case of an absconding debtor or bankrupt, or under special circumstances.

9. If necessary, a sitting before the Registrar shall be fixed for the ascertaining of Preferential Debts, of which sitting the Official Assignee shall send, four clear days before the sitting, notice by post to all persons claiming or stated on the statement of affairs to be entitled to a Preferential Payment, and if any claimant or person so stated to be entitled to such payment, having notice of such sitting, fails to attend such sitting, or to forward sufficient particulars of his claim to the Official Assignee, the claim may be struck out, and the Registrar in the memorandum of the sitting, shall state the fact that such claim was struck out.

10. In any case in which a landlord of premises belonging to the bankrupt or an arranging debtor shall have distrained on any goods or effects of a bankrupt or an arranging debtor, and have sold the same within three months next before the date of the adjudication, or in the case of an arranging debtor of the filing of the Petition, the Judge or Registrar may direct the landlord to pay to the Official Assignee the proceeds of the said sale, and to lodge in Court an account thereof, and vouch the same before the Registrar at a sitting to be appointed for the purpose, and the rulings of the Registrar upon the vouching of such account shall be binding and conclusive on such landlord unless varied by the Court. If, under threat of distress, the Official Assignee shall pay to a landlord of any bankrupt or arranging debtor any money for rent, or if any arranging debtor shall pay such rent under threat of distress, the said money or rent shall, for the purpose of this Order, be dealt with as proceeds of a sale under a distress.

11. Every payment (in money or goods) made to any claimant for wages within the requisite period before the adjudication or filing of the Petition, as the case may be, shall be deemed to be on account of wages earned within such period, unless the contrary be shown.

12. No person who has obtained a Preferential Payment in any arrangement matter shall be entitled to any further Preferential Payment, in case the arrangement is turned into bankruptcy.

Given at the Council Chamber, Dublin Castle,
this 28th day of January 1891.

Woleley.

Arthur James Balfour.

Hedges Eyre Chatterton.

Robert R. Warren.

William O'Brien.

SCHEDULE.

FORM OF CLAIM.

To be verified before the Registrar, Deputy Registrar, Magistrate or Commissioner, or Official Assignee.

AFFIDAVIT AND CLAIM FOR WAGES OR SALARY.

The Bankruptcy (Ireland) Amendment Act, 1873.

The Local Bankruptcy (Ireland) Act, 1888.

The Preferential Payments in Bankruptcy (Ireland) Act, 1889.

The wages, if of a clerk or servant, can only be claimed for services rendered during the four months next before the date of adjudication, and if of a labourer or workman, during the two months next before the said date.

In the Local Bankruptcy Court.
In the matter of

Bankrupt (a)

(a) If an unsworn statement is made, it shall be "Affirming Solvent" (or the word "Bankrupt," if before a Judge or Magistrate, or the word "Adjudication of Bankruptcy" if before a Registrar or Official Assignee.)

I, of in the county of of sixteen years, make oath, and say as follows:—

aged upwards

1. The said (b) was at the date of the filing of the Petition in this Matter, and still is justly and truly indebted to (c) me for wages, salary as a clerk, servant, labourer, workman,

(b) Insert name of bankrupt or debtor.

(c) Wages or salary of clerk or servant for four months; or wages of labourer or workman for two months.

for services rendered to by me as such

(d)

(d) The Official Assignee shall, before accepting the claim, ascertain the date of Adjudication, or of filing the Petition, as the case may be.

during the months next before the day of 18, the date of the Order of Adjudication, or of filing the Petition, as the case may be, in the sum of £. being at the rate of £. : : per

The particulars of said demand, and of all payments in money or goods made to me during the said months are truly set forth in the Schedule hereon endorsed, for which said demand, or any part thereof, I say that no manner of satisfaction or security (e) whatsoever hath been to my knowledge or belief had or received, save as set forth in the said Schedule, and that neither by myself nor by any other person on behalf of has any claim or proof been made in this matter, for or on account of the said demand or any part thereof (f)

(e) "Security" means a mortgage charge or lien on the bankrupt's or debtor's estate, or any part thereof, and the value of which the creditor claims as "security" must be stated and detailed; but a mortgage charge or lien upon the property of any other person, or the liability of any other person as a guarantor, need not be detailed unless already paid or received.

(f) If statement tends to establish any such payment for wages previously due to some act not particular.

I say that the said services were actually rendered by me during the
months next before the day of 18
and not otherwise.

Amount due, £.

(a) Deponent's signature.

Sworn at _____ in the County of _____
(a) day of _____
One Thousand Eight Hundred and Ninety- and
I know Deponent, before me,
Exhibited this day of 18 }
Local Registrar.

See note on the other side as to "Security."

PARTICULARS OF WAGES OR SALARY
Referred to in the Affidavit on the other side hereof.
The particulars must be set out in full.

| DATE. | | | £. s. d. |
|-------|--|--|----------|
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Deponent should sign at the end of Schedule.

AFFIDAVIT AND CLAIM FOR TAXES.

The Bankruptcy (Ireland) Amendment Act, 1872.

The Local Bankruptcy (Ireland) Act, 1888.

The Preferential Payments in Bankruptcy (Ireland) Act, 1889.

In the Local Bankruptcy Court.

In the matter of

Bankrupt (s)

(a) If an arrangement made, substitute "Arranging Debtor" for the word "Bankrupt" in before Administration Act, "In the matter of Petition for Adjudication of Bankruptcy" by A. B. against C. D."

I, _____ of _____ in the County of _____
aged upwards of sixteen years, make oath, and say as follows:—

(b) Insert name of bankrupt or debtor.

1. The said (b) was at the date of the
filing of the Petition in this Matter, and still is justly and truly
indebted to (c)

(c) If proof made by clerk or agent, insert name of creditor or creditor's trading name, address in full, and occupation.

(d) The total amount should always be given.

of (d)

in the sum of (e)

(e) Preferred or Local Taxes due and payable which include monies fallen due at Order of Administration or Order of Arrangement, Property and Income Tax, up to 31st day of April last.

I say that the taxes claimed by me were assessed on the Bankrupt (or Arranging Debtor), and not on any other person, and that they were assessed on the _____ day of _____, and became due and payable on the _____ day of _____, and I undertake to refund any taxes which may be paid to me in consequence of any error in this Statement as to the person assessed, or the date of assessment, or the date when the same became payable (f.)

I use a person in the employ of said _____, and that I am duly authorised by said _____ to make this Affidavit, and that it is within my own knowledge that the aforesaid debt was incurred, and for the consideration above stated, and that such debt, to the best of my knowledge and belief, still remains unpaid and unsatisfied.

Amount due, £. _____

Sworn at _____ in the County of _____
(g.) this _____ day of _____
One Thousand Eight Hundred and Ninety _____, and I
know Deponent, before me,

Exhibited this _____ day _____ 18 _____ }
Local Registrar.

PARTICULARS OF TAXES.

Referred to is the Affidavit on the other side hereof,
And which, with the dates, must be set out in full.

| DATE. | | | £ s. d. |
|-------|--|--|---------|
| | | | |
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| | | | |

(f) "Security" means a mortgage charge or lien on the Bankrupt's or arranging debtor's estate, or any part thereof, and the value at which the creditor assesses such "Security" must be stated and debited; but a mortgage charge or lien upon the property of any other person, or the finding of any other person at fault, need not be indicated unless already paid or claimed.

The parties in dispute to be struck out if found made by another person.

See note on the other side as to "Security."

Deponent should sign at the end of Schedule.

